

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No: Q94898

Risto KOSTIAINEN et al

Conf. No.: 6385

Appln. No.: 10/579,225

Group Art Unit: 2881

Filed: May 12, 2006

Examiner: Unassigned

For: METHOD AND APPARATUS FOR MASS SPECTROMETRIC ANALYSIS

PETITION UNDER 37 C.F.R. § 1.47 (a)

ATTN: BOX MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants filed a Petition under 37 C.F.R. § 1.47(a) on March 24, 2008, requesting to proceed with prosecution of the above-identified application without the signature of Mr. Seppo Marttila, a joint inventor.

In response to Applicants' Petition, a Decision was rendered stating that Applicants satisfied the requirements under Rule 1.47(a) for: submitting the Petition fee; providing a statement of the last known address of the non-signing joint inventor, Seppo Marttila; and submitting an Oath and Declaration executed by the signing joint inventors on their behalf and on behalf of the non-signing joint inventor. However, the Petition was dismissed without prejudice as assertedly failing to submit factual proof that the missing joint inventor could not be located or that the joint inventor refused to cooperate.

In response to the Decision dated June 9, 2008, Applicants hereby submit a renewed Petition under 37 C.F.R. § 1.47(a) requesting permission to proceed with prosecution of the

above-identified application absent the signature of Seppo Marttila, a joint inventor in the above-identified application.

As explained in the accompanying executed Declaration of Anu Leinonen, a correspondence requiring signature upon delivery was mailed to Mr. Seppo Marttila through local courier service. (See, Exhibit 1). The correspondence specifically listed each item enclosed (e.g., Declaration, Assignment, the specification, claims, drawings, and amendments made to the specification and claims filed on May 12, 2006). The correspondence further requested cooperation by Mr. Marttila and stated that the failure of Mr. Marttila to sign and return the above-mentioned enclosed documents or failure to respond to the letter within 10 days will be considered a refusal to cooperate. (See, Exhibit 2a and Exhibit 2b). Mr. Marttila acknowledged receipt of the documents and stated that he does not want to have any part in the prosecution of the current application. (See, Exhibit 3a and Exhibit 3b).

It is believed that the required Petition fee has been submitted and accepted by the Office. If our understanding is incorrect, the U.S. Patent and Trademark Office is authorized to charge any fees necessary for the continued pendency of the above-identified application to Applicants' Deposit Account No. 19-4880.

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 8, 2008

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94898

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Appln. No.: 10/579,225

Group Art Unit: 2881

Confirmation No.: 6385

Examiner: Not Yet Assigned

Filed: May 12, 2006

For: METHOD AND APPARATUS FOR MASS SPECTROMETRIC ANALYSIS

SUPPLEMENTAL DECLARATION

IN SUPPORT OF JOINT INVENTOR'S REFUSAL TO COOPERATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Anu Leinonen, hereby declare and state the following:

1. I reside at Mannerheimintie 136 A 32, 00270 Helsinki, Finland.
2. I work for Licentia Oy, where I hold a position as Director.
3. On June 18, 2008, I forwarded to Mr. Seppo Marttila's last known address, Maaniituntie 16, 01900 Nurmijärvi, Finland, a complete copy of the above-referenced patent application, Declaration, Power of Attorney and Assignment. A copy of my letter dated June 18, 2008 along with an English translation thereof, forwarding these papers to Mr. Marttila and requesting that he execute them and return the same to me is attached hereto as Exhibit 2a and Exhibit 2b.

4. A correspondence dated June 18, 2008 was sent to Mr. Marttila by Suomen Posti Oyj courier service by signature delivery. (See Exhibit 1).

5. The above-mentioned correspondence requested that Mr. Marttila cooperate by signing the Declaration and Assignment and further stated that the failure to respond to the letter within ten (10) days would be considered as Mr. Marttila's refusal to cooperate. (See Exhibits 2a and 2b).

6. The above-mentioned correspondence specifically listed each enclosed item. Particularly, the letter stated that the specification, claims, drawings, amendments to the specification and claims filed on May 12, 2006, Assignment and Declaration/Power of Attorney were enclosed. (See, Exhibits 2a and 2b).

7. Mr. Marttila acknowledged receipt of delivery by signing the delivery receipt. (See Exhibit 1).

8. On June 19, 2008, I was contacted by email by Mr. Marttila. He informed me at that time that he would not cooperate because he does not want to have anything to do with the invention or patent application. A copy of email dated June 19, 2008 is attached as Exhibit 3a and Exhibit 3b.

9. Also, attached hereto, as Exhibit 4, is a Certification stating that the translation of the above-mentioned documents are true English translations of the original Finnish documents.

Supplemental Declaration
Application No.: 10/579,225


Attorney Docket No.: Q94898

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 25th, 2008

Name: 
Anu Leinonen

Exhibit 1

posti			
Lähetäjän nimi ja postiosoite Avsändarens namn och postadress		RS080113882FI	
Licentia Oy Tukholmankatu 8A 00290 Helsinki		← Palautusosoite Returadress 150 a	
Vastaanottajan nimi ja postiosoite Adressatens namn och postadress		Vastaanottajalle Till adressaten	
Seppo Marttila Maanittuntie 16 01900 NURMIJÄRVI		Vain vastaanottajalle henkilökohtaisesti Endast till adressaten personligen	
Postiennakkomäärä Postförskottsbelopp		Vain vastaanottajalle henkilökohtaisesti Endast till adressaten personligen	
Tiliinro Kontonr		Luovuttajan allekirjoitus Överlämnarens underskrift	
Viitenro Referensnr		196.08	
Lisätietoja: 0200 71000 (pvm/mpm), www.posti.fi Ytterligare information: 0200 27100 (lma/msa), www.posti.fi		Päiväys ja vastaanottajan/vainvakuutus sekä nimen selvitys Datum och adressatens/befullmäktigades teckning samt namnförtydligande	
Suomen Posti Oy • Posten Finland Abp Kotipaikka/Hemort: Helsinki/Helsingfors • Y-tunnus 2591864-4 FO-nummer		10/4/11 Seppo Marttila	

LICENTIA

Exhibit 2a

Licentia Ltd
Tukholmankatu 8 A
FIN-00290 Helsinki, Finland
Tel +358 (0)75 324 7000
Fax +358 (0)75 324 7099
anu.leinonen@licentia.fi
www.licentia.fi

Seppo Marttila
Maaniituntie 16
FI-01900 Nurmijärvi

June 18, 2008

REGISTERED WITH ACKNOWLEDGEMENT OF RECEIPT

Re: U.S. Patent Application No. 10/579,225
Method and Apparatus for Mass Spectrometric Analysis
Inventors: Risto KOSTIAINEN, Samuli FRANSSILA, Tapio KOTIAHO, Seppo MARTTILA
Assignee: Licentia Oy

Hi,

I am sorry that I still have to trouble you with the above mentioned patent matter regardless of our previous discussions.

The U.S. Patent Office requires that in connection with the U.S. patent applications inventors sign an Assignment where the right to invention is assigned from each inventor to assignee (Licentia Oy) as well as a Declaration of inventorship.

Please find enclosed the above mentioned forms which we kindly ask you to return to me duly executed **within ten days from the receipt of this registered letter.**

Please also find enclosed specification, patent claims and drawings of the patent application as filed in the international application PCT/FI2004/000863 (publication number WO 2005/047848) which the U.S. application is based on, as well as, for your information, the amendments made to the specification and the claims of the U.S. application on May 12, 2006.

If we do not receive duly signed forms by the above mentioned date, we conclude that you do not want to co-operate with us regarding this patent application matter. In that case we are going to continue the prosecution of this application without the signed forms through appropriate office proceedings.

If you have any questions concerning the subject matter, I will be glad to answer them.

Very truly yours,

Anu Leinonen
Licentia Oy
tel. 075 324 7000
email: anu.leinonen@licentia.fi

Enclosures: specification, claims and drawings of the application
amendments made to the specification and claims of the U.S. application on
May 12, 2006
Assignment (1 page)
Declaration (2 pages)

Exhibit 2b

Licentia Ltd
Tukholmankatu 8 A
FIN-00290 Helsinki, Finland
Tel +358 (0)75 324 7000
Fax +358 (0)75 324 7099
anu.leinonen@licentia.fi
www.licentia.fi

18.6.2008

Seppo Marttila
Maaniituntie 16
FI-01900 Nurmijärvi

KIRJATTUNA SAANTITODISTUKSELLA

RE: Yhdysvaltalainen patenttihakemus nro. 10/579,225
Method and Apparatus for Mass Spectrometric Analysis
Keksijät: Risto KOSTIAINEN, Samuli FRANSSILA, Tapio KOTIAHO, Seppo MARTTILA
Siirronsaaja: Licentia Oy

Hei,

Olen pahoillani, että joudun vaivaamaan Sinua vielä yllä mainitun patenttiasian tiimoilta aikaisemmista keskusteluistamme huolimatta.

Yhdysvaltalaisen patenttihakemusten yhteydessä Yhdysvaltain patenttivirasto edellyttää, että keksijät allekirjoittavat keksinnön oikeuksien siirtoon kultakin keksijältä hakijalle (Licentia Oy) liittyvän siirtokirjan (Assignment) sekä vakuutuksen keksijyydestä (Declaration).

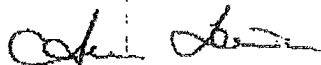
Ohessa ovat yllä mainitut lomakkeet, jotka ystävällisimmin pyytäisin palauttamaan allekirjoitettuna minulle kymmenen päivän kuluessa tämän kirjatun kirjeen vastaanottamisesta.

Ohessa ovat myös patenttihakemuksen selitysoasa, patenttivaatimukset ja piirustukset siinä muodossa kun ne on pantu vireille kansainvälisessä hakemuksessa PCT/FI2004/000863 (julkaisunumero WO 2005/047848), johon yhdysvaltalainen hakemus perustuu sekä tiedoksesi myös yhdysvaltalaisen hakemuksen selitysosaan ja vaatimuksiin 12.5.2006 tehdyt muutokset.

Mikäli emme saa allekirjoitettuja lomakkeita yllä mainittuun päivään mennessä, katsomme, että et halua toimia yhteistyössä kanssamme tässä patenttihakemusasiassa. Siinä tapauksessa tulemme jatkamaan hakemuksen käsittelyä ilman allekirjoitettuja lomakkeita soveltuvan virastomenettelyn kautta.

Vastaan mielelläni, mikäli Sinulla on aiheeseen liittyen kysyttävää.

Ystävällisin terveisin,



Anu Leinonen
Licentia Oy
p. 075 324 7000
email: anu.leinonen@licentia.fi

Liitteet: hakemuksen selitys, patenttivaatimukset ja piirustukset
yhdysvaltalaisen hakemuksen selitykseen ja vaatimuksiin 12.5.2006 tehdyt muutokset
siirtokirja (Assignment) (1 sivu)
vakuutus (Declaration) (2 sivua)

Exhibit 3a

From: Seppo Marttila [epostia@luukku.com]
Sent: June 19, 2008 18:43
To: Anu Leinonen
Subject: RE: U.S. Patent Application 10/579,225

Hello,

This relates to the papers you sent.

Like I have, from the beginning of the process, stated many times to many people who are related to the matter, I do not want to have anything to do with this patent matter and my mind has not changed.

I apologize for my lack of desire to co-operate but I have been hurt and pressured already enough in this matter.

Regards,

Seppo Marttila
040-5895059

Anu Leinonen

From: Seppo Marttila [epostia@luukku.com]
Sent: 19. kesäkuuta 2008 18:43
To: Anu Leinonen
Subject: RE: US patentihakemus 10/579,225

Exhibit 3b

Päivää

Asia liittyy lähettämiisi papereihin.

Kuten olen useita kertoja useille asiaan liittyville tahoille prosessin alusta lähtien todennut, en halua olla missään tekemisissä tämän patenttiasian kanssa eikä mieleni ole muuttunut.

Valitan yhteistyöhaluttomuutta, mutta minua on loukattu ja painostettu tässä asiassa jo riittävästi.

Terveisin

Seppo Marttila
040-5895059

.....
Luukku Plus paketilla pääset eroon tila- ja turvallisuusongelmista.
Hanki Luukku Plus ja helpotat elämääsi. <http://www.mtv3.fi/luukku>

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For: METHOD AND APPARATUS FOR MASS SPECTROMETRIC ANALYSIS

VERIFIED ENGLISH TRANSLATION CERTIFICATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Patrik Christoffer SUNDMAN, residing at Södra Mossavägen 12 D,
FI-02700 Grankulla, Finland, do hereby declare that I am conversant with the English
and Finnish languages and that I am a competent translator thereof. I further declare that I am
the same Patrik Christoffer SUNDMAN who prepared an English-language
translation of a letter dated June 18, 2008 from Ms. Anu Leinonen to Mr. Seppo Marttila and an
email dated June 19, 2008 from Mr. Seppo Marttila to Ms. Anu Leinonen.

I further declare that all statements made herein of my own knowledge are true and that
all statements made on information and belief are believed to be true; and further that these
statements were made with the knowledge that willful false statements and the like so made are
punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States
Code, and that such willful false statements may jeopardize the validity of the application or any
patent issuing thereon.

Date: July 29, 2008Name: 

Patrik Christoffer SUNDMAN